

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRIAN CODY ASHBAUGH,

No. 3:17-cv-01038-JR

Plaintiff,

ORDER

v.

YAMHILL COUNTY, BRAD BERRY,
YAMHILL COUNTY DISTRICT
ATTORNEY'S OFFICE, TIM SVENSON,
and YAMHILL COUNTY JAIL,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [57] on May 18, 2018, in which he recommends that this Court deny the Motions to Dismiss filed by Defendants Yamhill County District Attorney's Office and Brad Berry ("DAO Defendants") and Defendants Yamhill County, Yamhill County Jail, and Tim Svenson ("County Defendants"). The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendants filed timely objections to the Magistrate Judge's Findings & Recommendation. Cty. Def. Obj., ECF 65; DAO Def. Obj., ECF 66. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Defendants' objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings and Recommendation [57]. The Court DENIES the DAO Defendants' Motion to Dismiss [46] and the County Defendants' Motion to Dismiss [47].

IT IS SO ORDERED.

DATED this 3 day of Oct, 2018.


MARCO A. HERNÁNDEZ
United States District Judge